

**REMARKS**

At the time of the office action dated December 2, 2004, claims 1 through 12 were pending and rejected in the application. In response to the office action, applicant has amended the Title, has amended claims 1 through 5 and 7, has cancelled claims 8 through 12, and has added claims 13 through 25. Reconsideration of claims 1 through 7 and consideration of claims 13 through 25 is respectfully requested.

On page 2 of the office action, the Examiner rejected claims 1, 3 through 4, 8 through 9, and 11 through 12 under 35 U.S.C. § 102(b) as being unpatentable by Guy *et al* (U.S. 5,833,468).

The Guy reference, entitled, "Remote Learning System Using A Television Signal and A Network Connection," clearly requires each and every student to have a personal computer connected to a server, and receives "programming" to be provided over a television tuner in a computer with a modem. The present invention, on the other hand, provides means of responding to any type of programming, whether live or recorded, by simply using a response device with a key pad, over a communication system such as a two-way paging system. The response system is not tied to any one type of programming over a particular medium. Obvious uses include responding to programs broadcast over television, radio, or streaming internet, but the invention can also be used with prerecorded media, such as audio tapes or video tapes, or even at live events. The use of a program code for each programming event allows a respondent to identify the exact event to which he is responding. For example, viewers of a live event, such as an auto race, may choose to respond to and be grouped with, people responding to a particular driver's actions. If the

event is broadcast live, television viewers may use the system to respond. If the event has been delayed across time zones, and viewers may respond to the event as if they were watching it live. The apparatus and system can be used to respond to entertaining programming, instructive programming, or live events. Most importantly, the present invention does not require respondents to use personal computers.

Applicant has amended claim 1 to be allowable over Guy. In amending claim 1, applicant claims the electronic response device is not a personal computer, which Guy requires. Further, the amended claim 1 claims the required use of program identifier codes and user identifier codes. As amended, claim 1 should be allowable over Guy. Claims 3 and 4, which depend on claim 1, as amended, should be allowable as well.

Applicant has cancelled claims 8 through 9, and 11 through 12.

On page 5 of the office action, the Examiner rejected claims 2, 5 through 6, and 10 under 35 U.S.C. §103(a) as being unpatentable over Guy in view of LaFleur (U.S. 6,708,214).

Applicant has amended claim 1 to be allowable over Guy, and claim 2, which depends from claim 1, should be allowable as well. However, applicant would point out that both references disclose using the same device for reception of programming and responses thereto. Further, there is no suggestion in LaFleur to combine its communication device using a two-way pager with the invention in Guy, nor any motivation for doing so. In fact, the "responses" in Guy are integrated with the television signal, so such a combination would probably not work. TMEP §2143.02. Claim 2 should be allowable over Guy in view of LaFleur.

Claims 5 through 6, which depend from claim 1, should be allowable as well.

Applicant would again point out that both references disclose using the same device for reception of programming and responses thereto. Further, there is no suggestion in LaFleur to combine its communication device using an Internet protocol system with the invention in Guy, nor any motivation for doing so. In fact, the "responses" in Guy are integrated with the television signal, so such a combination would probably not work TMEP. §2143.02. Claims 5 through 6 should be allowable over Guy in view of LaFleur.

Claim 10 has been cancelled.

On page 6, the Examiner rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Guy in view of Yoshinoby *et al* (U.S. Patent 5,721,584). Applicant submits that its amendments to claim 1 have made it allowable over Guy and therefore the combination of Guy with Yoshinoby do not render claim 7 obvious. Claim 7, which depends upon claim 1, as amended, should be allowable over Guy in view of Yoshinoby.

In addition to amending claims 1 through 5 and 7, applicant is herewith submitting new claims 13 through 25. Claims 13 through 19 disclose the method of the present invention, and claims 20 through 25 disclose the system of the present invention. The claims clearly disclose that the response device used is not a personal computer, that program codes are used to identify the programming to which a response is being made, and that user identifier codes are used to identify the user submitting the responses.

In light of the foregoing arguments, and upon entry of the amendments, allowance of claims 1 through 7 and 13 through 25 should be in order and is respectfully requested.

Please note that a one-month extension request was previously filed, with a payment of \$60.00 for the extension fee.

Also, the number of fees remaining after amendment is 20, with 3 independent claims, so no fee should be due for extra claims.

Date: March 31, 2005

Respectfully submitted,



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